

EXAMPLES OF SIGNIFICANT ENFORCEMENT MATTERS RECENTLY ADDRESSED BY THE ENFORCEMENT COUNSEL IN THE OFFICE OF ENFORCEMENT

The following are examples of cases in which the attorneys in the Office of Enforcement played a significant role in the outcome of the case. These attorneys will now be working with the prosecution teams in all of the Regional Boards.

\$19.5 Million in Judicial Civil Liability Judgment Lodged Against Equilon Enterprises LLC (Equilon) For Underground Storage Tank Violations (Office of Enforcement)

In 2006, the Attorney General's Office, in conjunction with the State Water Board's UST Enforcement Unit, began investigating Equilon's compliance with UST construction and monitoring requirements. The Attorney General's Office initiated its investigation after receiving information regarding violations in Riverside and San Diego Counties which had been settled by their respective District Attorney's Offices for multi-million dollar penalties and compliance work.

The case was not referred to the Attorney General's Office by the State Water Board and the State Water Board is not participating as a client agency, however, our UST enforcement staff and attorneys invested significant resources in assisting the Attorney General's Office in the development of this case. As the investigation progressed, other prosecuting offices and regulatory agencies (primarily local agencies including certified unified program agencies (CUPAs)) assisted in the investigation.

The investigation has revealed that Equilon had minor to moderate UST violations at a representative sample of 20 of its UST facilities. For example, Equilon often failed to perform annual testing within the required time frame, and had inadequate monitoring and containment at a number of facilities.

The Attorney General's Office has reached a settlement agreement with Equilon that would resolve all outstanding UST and other hazardous waste and hazardous materials violations at each of Equilon's approximately 500 UST facilities in California based on the findings at the representative sample. The settlement is expected to have a total value of \$19,500,000, broken down as follows:

- \$5,000,000 to the State Water Pollution Cleanup and Abatement Account;
- \$5,000,000 to the Attorney General's Office, Litigation Deposit Fund;
- \$7,800,000 to be split among various District Attorney's Offices and CUPAs;
- \$1,700,000 in attorney's fees, costs, and restitution with \$100,000 going to the UST Cleanup Fund to partially cover the State Water Board's enforcement costs.

In addition, Equilon is ordered to comply with UST leak prevention statutes.

The settlement was lodged in the Superior Court of Alameda on September 24, 2009.

\$2.75 Million In Liability Imposed Against Northstar Mountain Properties, LLC, For Storm Water And Waste Discharge Permit Violations (Region 6)

Attorneys with the Office of Enforcement represented Lahontan Regional Water Quality Control Board (Lahontan Water Board) enforcement staff in negotiating a \$2.75 million settlement with Northstar Mountain Properties, LLC (NMP) for alleged storm water permit and waste discharge violations that occurred throughout the 2006 construction season. On March 11, 2009, the Lahontan Water Board adopted Administrative Civil Liability Order R6T-2009-0012 approving the settlement and imposing \$2.75 million in liability. This is the largest liability ever imposed by the Lahontan Regional Water Quality Control Board for storm water compliance violations associated with construction projects.

In 2006, the Lahontan Water Board documented numerous violations at a planned development of approximately 325 acres within the existing Northstar Resort Community. The violations related to NMP's failure to adequately install and maintain storm water controls, some of which eventually led to discharges of sediment-laden storm water runoff into area surface waters during rainfall events, and compliance with Lahontan reporting requirements.

Under the terms of the settlement, NMP has agreed to pay \$500,000 to be distributed between the State Water Resource Control Board's Cleanup and Abatement Account (80%) and Waste Discharge Permit Fund (20%). The remaining \$2,250,000 will fund a major supplemental environmental project which will focus on watershed improvements within the Martis Valley area. In addition to water quality and habitat improvement, the project will ultimately result in a technology transfer to land managers within the Sierra Nevada through a "Watershed Evaluation, Treatment and Monitoring Handbook" and through a "Forest Fuels Treatment/Water Quality Protection Handbook."

\$1.6 Million in Liabilities Assessed Against the Sewerage Agency of Southern Marin for Discharge of Wastewater into Richardson Bay (Office of Enforcement/Region 2)

The Office of Enforcement's Special Investigation Unit staff investigated two major discharges of untreated and partially treated wastewater into Richardson Bay. The Office of Enforcement worked collaboratively with San Francisco Bay Regional Water Quality Control Board (Regional Water Board) enforcement staff to develop this enforcement action. Attorneys with the Office of Enforcement represented the enforcement team in negotiating a settlement that includes the assessment of \$1,600,000 in administrative civil liability. The settlement was adopted by the Regional Water Board in Administrative Civil Liability Order No. R9-2009-0026 issued on April 8, 2009.

The Sewerage Agency of Southern Marin (Agency) discharged 2.45 million gallons of untreated sewage into Richardson Bay on January 25, 2008, and an additional 962,000 gallons of treated but undisinfected wastewater to Pickleweed Inlet, a tributary to Richardson Bay, on January 31, 2008. The Agency will pay liabilities of \$800,000 to the Cleanup and Abatement Account. The settlement allows an additional \$800,000 to be spent on completion of two supplemental environmental projects in the watershed: 1) a five-year \$600,000 private sewer lateral replacement project that will replace pipes that carry sewage from homes to the agency-owned collection system; and 2) \$200,000 to

implement Phase One of the Richardson Bay Audubon Sanctuary's Aramburu Island Clean Up, Restoration, and Enhancement Project.

\$1,335,000 Administrative Civil Liability Assessed Against the City of Escondido for MMP Violations Following Remand By SWRCB Because Prior "Settlement" Was Deficient (Region 9)

Senior Enforcement Counsel represented the Prosecution Team in the negotiation of a settlement of violations by the City of Escondido. Based on the settlement, the City of Escondido agreed to pay mandatory minimum penalties of \$1,335,000. Enforcement Counsel worked with the Prosecution Team to successfully deflect efforts by a citizens group to allocate a portion of the monetary settlement to an ill-defined supplemental environmental project.

The mandatory minimum penalties addressed effluent limit violations.

An earlier settlement was rejected by the State Water Board based on the fact that the Regional Board did not properly consider the application of mandatory minimum penalties to the alleged violations. The matter was remanded back to the San Diego Regional Board for further consideration.

\$1,100,000 Liability Assessed Against Ametek, Inc. for Failure to Comply With 2002 Cleanup and Abatement Order to Cleanup Groundwater Plume (Region 9)

Office of Enforcement counsel represented the Region 9 Board staff in negotiating a \$1.1 million civil liability against Ametek, Inc. for failing to comply with a 2002 CAO. In the process, OE attorneys were able to broker a revised and updated stipulated cleanup and abatement order which includes "tightened up" language on water quality protection and cleanup milestone objectives. In reaching the settlement, OE attorneys were able to overcome substantial legal argument by the dischargers that: (1) civil liability for days of violation prior to 3 years ago are barred by the statute of limitations; (2) the Regional Board should be estopped from asserting violations against Ametek because it misled the discharger into believing that another responsible party would be performing the cleanup; and (3) the terms of the 2002 CAO were so ambiguous that the discharger actually complied with the order. OE attorneys also defended staff depositions and responded to a number of written discovery demands made by the discharger before reaching agreement on a stipulated order.

The stipulated ACL Order provides that \$600,000 will be paid to the Cleanup and Abatement Account within 30 days of its entry, with the remaining \$500,000 in liabilities being suspended, and permanently waived if a complete investigation and characterization report is submitted by a date certain, and if a remedial action plan is implemented with a definite period of time thereafter. The solvent plume migrating from the former Ametek site contains some of highest concentrations of TCE and other solvents found in groundwater in Region 9. Due to the shallow groundwater and the contaminants of concern tending to volatilize easily, the Site also poses a human health danger to nearby businesses and a school. Accordingly, staff placed a very high priority on a quick and effective cleanup and the negotiation of an effective and updated cleanup and abatement order.

\$1,095,000 Liability Assessed Against Cities of Vista and Carlsbad for Illegal Discharge to Buena Vista Lagoon (Region 9)

In a proceeding that went more than 3 hours, the San Diego Regional Water Board effectively directed modification of a proposed settlement to give more to an SEP and less for a civil liability. The ACL complaint sought \$1.095 million for a raw sewage spill. This was the second Board presentation on this case. At a previous Board meeting, enforcement staff presented a settlement that would have settled matter for \$700,000 with sent \$200,000 to the Waste Discharge Permit Fund (penalty) and \$500,000 to a significant restoration project. The Board rejected that settlement stating that they needed more info to decide. The prosecution team negotiated further and dischargers raised the settlement amount by \$395,000. OE counsel negotiated a revised settlement of \$595,000 in penalties and \$500,000 for a supplemental environmental project (SEP). Even though the Executive Officer, as advisor to the Regional Board supported OE's arguments to limit the SEP to less than 50 percent, the Board did not approve the settlement as presented. Instead, after public comment and hearing, the Board moved the additional \$395,000 from payment as a penalty to payment for a SEP. This case occurred before adoption of the new SEP Policy.

The Cities of Vista and Carlsbad were alleged to be liable for 7.3 million gallon discharge of untreated sewage from a broken sewer main to Buena Vista Lagoon in San Diego County.

\$725,000 in Judicial Civil Liability against Southern California Gas Company and the County of Los Angeles (Region 4)

The Office of Enforcement participated in settlement discussions and developed settlement language to resolve a civil liability matter referred to the California Attorney General's Office by the Los Angeles Regional Water Board against Southern California Gas Company and the County of Los Angeles for construction activities occurring in Sullivan Canyon in Los Angeles County. This is the first case prosecuted by the Attorney General's Office pursuant to the Regional Board's Enforcement Pilot Project with the Attorney General's Office.

As part of its overall liability of \$525,000, So Cal Gas will pay \$100,000 to fund a Supplemental Environmental Project entitled "Stone Creek Restoration" to be operated by the Bay Restoration Foundation. The remaining \$425,000 will be paid to the Cleanup and Abatement Account. Of its overall liability of \$200,000, the County of Los Angeles paid \$100,000 to the Cleanup and Abatement Account and was able to apply restoration costs of \$100,000 as a credit against its civil liability.

The action was triggered by the construction of an access road from the Sullivan Canyon Debris Basin heading north, into Sullivan Canyon, which is a violation of the Clean Water Act, Section 401, and the California Water Code, Section 13260 et seq. It appeared that the road was being constructed with material removed from the Sullivan Canyon Debris Basin which is maintained by Los Angeles County of Public Works (LACDPW) and the Southern California Gas Company (SCG). The access road either covered or diverted Sullivan Canyon Creek through the majority of the lower floodplain within the canyon and the road crossed the creek at several locations further north. At the time of the visit, water was flowing within the creek and through the road under construction. The road extends approximately $\frac{3}{4}$ of a mile. In addition, sediments were stockpiled on the sides

of the road, within the creek itself, and within vegetated riparian areas.

The settlement was lodged in the Superior Court of Los Angeles on September 15, 2009.

\$685,000 Administrative Civil Liability against the North County Transit District (Region 9)

Senior Enforcement Counsel from OE presented the Prosecution Team in a contested matter. After hearing, the San Diego Regional Board awarded liability in the amount of \$685,000 as follows:

\$5,000 per day for failing to implement a Storm Water Pollution Prevention Plan for 112 days of violation of Order No. 99-08-DWQ Section C.2. for a total of \$560,000; and

\$5,000 per discharge for 25 discharges of sediment to waters of the United States in violation of Water Code Section 13376 and Order No. 99-08-DWQ Section A.2. for a total of \$125,000.

The NCTD failed to implement its Storm Water Pollution Prevention Plan (SWPPP) by failing to install and maintain adequate Best Management Practices (BMPs) in violation of Order No. 99-08-DWQ section C.2 on at least 112 days, October 5, 2007 through January 25, 2008. The inspection reports document (1) widespread lack of any BMPs when BMPs were essential as sediment discharge preventive measures; (2) widespread lack of BMP maintenance or inadequate BMPs; and (3) numerous locations where discharges to storm drains and directly to receiving waters occurred as the direct result of either no BMPs or inadequate BMPs being in place. The inspection reports included photo documentation of the direct connection between inadequate BMPs and sediment discharges.

\$434,561 in Administrative Civil Liability against Ashby, USA (Roripaugh Ranch Residential Development) (Region 9)

Office of Enforcement counsel represented Region Board enforcement staff in a contested administrative civil liability proceeding against Ashby, USA. After hearing, the San Diego Regional Board issued an order imposing an administrative civil liability of \$434,561.

Ashby USA failed to comply with conditions of its Technically-conditioned certification related to mitigation projects associated with its construction and development of 800 acres in Temecula. Most significant was its failure to implement mitigation measures associated with 1.85 acres of impact within Santa Gertrudis Creek and Long Valley Wash.

\$412,900 Administrative Civil Liability Assessed Against the Thomas E. Erickson Trust and Mohammad Ahmad for failure to comply with a Cleanup and Abatement Order mandating investigation and remediation of petroleum releases at the Tahoe Tom's Gasoline Service Station in South Lake Tahoe (Region 6)

Counsel from the Office of Enforcement represented the Lahontan Regional Board Prosecution Team in a contested hearing on October 14, 2009 after which the Lahontan Regional Board imposed \$412,900 in civil liability on the Thomas E. Erickson Trust and Mr. Mohammad Ahmad, the owner and operator of the Tahoe Tom's Gas Station, for violations of a 2007 Cleanup and Abatement Order.

The Complaint had proposed \$248,400 in civil liability (10% of the maximum), and alleged violations of both Water Code section 13267 (investigation requirements) and Water Code section 13304 (remediation requirements). The Prosecution Team presented evidence concerning the dischargers' lengthy history of violations, the economic benefit, and the environmental harm that was caused by the failure to comply and urged the board to treat the proposed liability in the Complaint as a floor, not a ceiling. The Board was responsive to that argument and found that the violations of the remediation requirements under Water Code section 13304 were significant and warranted a greater liability than had been proposed. The Board indicated its intent to send a strong deterrent message to both the specific dischargers in this case and to the regulated community in general.

\$400,000 in Administrative Civil Liability Imposed Against Tract 1990 LLC For Construction Storm Water Violations (Region 3)

Counsel for the Office of Enforcement represented the Central Coast Regional Water Board (Central Coast Water Board) enforcement staff in negotiating a \$400,000 settlement with Tract 1990 LLC for alleged violations of the State Water Board Construction Storm Water permit and Section 404 of the Clean Water Act. On September 5, 2008, the Central Coast Water Board adopted Administrative Civil Liability Order No. R3-2008-0057 approving the settlement and imposing \$400,000 in liability. This was the first instance of the Central Coast Water Board imposing a monetary penalty for violations of section 404 of the Clean Water Act.

Tract 1990, LLC is the owner and developer of a residential home project in San Luis Obispo County. Project plans include about 250 homes on a total of 255 acres. The site is in an area of rolling hills in the Lake Nacimiento watershed. While installing roads and other site improvements, Tract 1990 filled in several unnamed, blue-line creeks. During the 2005-2006 rainy season, the fill eroded, unleashing sediment that further filled the creeks and eventually flowed in the lake.

\$220,000 in Administrative Civil Liability Imposed Against Sarbjit Kang and Kang Property, Inc. for failure to comply with a Cleanup and Abatement Order (Region 6)

Counsel from the Office of Enforcement represented the prosecution team in a four hour contested hearing after which the Lahontan Regional Board imposed \$222,000 in civil liability on Mr. Sarbjit Kang and Kang Property Inc., the owner and operator of the Swiss Mart Gas Station, for violations of a 2007 Clean and Abatement Order.

The complaint had proposed \$460,300 in liability (10% of the maximum). The Board found that all but one of the alleged violations had occurred, but reduced the duration of many of the violations. The Prosecution Team argued that certain violations continued until monitoring reports had been received by the Board showing that the contamination had been mitigated. The Board members felt this evaluation was overly harsh and reduced the days back to the date when the samples were taken, not when the reports were received. Their reductions reduced the maximum liability to \$2,200,000, instead of the \$4,630,000 alleged in the complaint. However, the Regional Board adopted the formula proposed by the Prosecution Team and imposed a liability which was 10% of the revised maximum liability.

The Advisory Team recommended overall reductions to the recommended penalty arguing that, while the Prosecution Team had alleged violations of 14 of 17 directives in the CAO, there were really only 5 or 6 "core" violations. For example, the ACL complaint alleged failure to provide replacement water, as well as failure to report on how replacement water would be sustained--two separate directives in the CAO.

\$204,000 in Mandatory Minimum Penalties Assessed Against the South Orange County Wastewater Authority for Effluent Limitation Violations of NPDES Permit (Region 9)

On February 27, 2009, the San Diego Regional Water Quality Control Board (Regional Water Board) issued an Administrative Civil Liability (ACL) Complaint No. R9-2009-0028 against the South Orange County Wastewater Authority (SOCWA) and the South Coast Water District (SCWD) for \$204,000 in mandatory minimum penalties (MMPs) for 68 effluent limitation violations of Regional Water Board Order No. R9-2006-0054. SOCWA owns and holds the NPDES permit for the San Juan Creek Ocean Outfall on behalf of all its member agencies. The SCWD operates the facility, the Groundwater Recovery Facility, and discharges brine to the San Juan Creek Ocean Outfall.

On May 13, 2009, the Regional Water Board held a public hearing on this matter. At the close of the hearing, the Regional Water Board requested that the Prosecution Staff and SOCWA prepare legal briefs addressing two questions: 1) whether the MMP statutory scheme allows the Regional Water Board to exercise discretion in determining whether MMPs apply and 2) Whether the Regional Water Board could impose MMPs in an amount less than the mandatory minimum. The parties submitted their respective briefs 30 days after the close of the May 13th hearing. On July 1, 2009, this item was considered for a second time to provide the Board members an opportunity to ask questions relating to the briefs prior to voting on whether to adopt the ACL Order. Ultimately the Regional Water Board adopted the ACL Order, imposed the MMPs in the amount of \$204,000, and allowed SOCWA to direct a portion of the MMPs towards implementation of a Supplemental Environmental Project (SEP).

The Regional Water Board struggled with imposing MMPs in this case for three reasons. First, it was concerned that imposing MMPs against a facility that treats groundwater for potable use was especially problematic because it is a potable water supplier and not a POTW or industrial discharger. Secondly, it felt that the NPDES Permit and the Monitoring and Reporting Program was flawed and that those shortcomings significantly contributed to the Discharger accruing MMPs. Lastly, on a larger scale, the Regional Water Board felt that imposing MMPs on this type of Discharger would create a

disincentive for these facilities to engage in treating groundwater and creating a potable water supply for the San Diego area.

\$200,000 In Liability Imposed Against Oakland Mine Owner for Violations of 13267 Orders (Region 2)

The Region 2 Board recently ordered an Oakland mine site owner to pay staff's recommended \$200,000 liability in a contested ACL proceeding for reporting violations. After the Complaint was issued, the discharger notified staff he would be contesting the matter, but failed to submit any briefing or evidence to support his position. The assigned OE attorney and staff culled the relevant files, and discovered a letter from a civil rights attorney threatening to sue the Executive Officer and the Board for bias. There was also considerable past commentary to the staff about predecessors in interest who operated the mines having primary responsibility for the cleanup, despite the property owner having previously represented to staff that he would accept responsibility for the cleanup. The assigned OE attorney and staff determined to head off the bias claim and sent a letter to the Executive Officer immediately seeking his recusal and replacement by the Assistant EO. They also prepared a chart of property ownership showing all the "dead ends" that had been previously investigated. The most challenging aspect of the hearing was demonstrating why the Board should impose such a substantial penalty for reporting violations.

The property owner purchased the inactive mine site in 2001 with an eye towards developing it for residential use. He agreed to assume responsibility for cleanup. Like many mine sites, those who profited from the mining operations have long since disappeared. A creek on the property runs through a mountain of sulfur-contaminated mine tailings, causing toxic runoff that kills aquatic life downstream. The property owner made intermittent progress on a cleanup plan until about 2005, when cleanup efforts came to an abrupt halt. A new Cleanup and Abatement Order was issued, which contained some provisions requiring discretionary permits from the City of Oakland and the Department of Fish and Game. The discharger was required to submit progress reports on obtaining these permits, but began to fail to do so by about 2007, leading to issuance of the ACL Complaint. Staff and the assigned OE attorney were able to effectively demonstrate the links between the dischargers' failure to submit the required progress reports, the failure to diligently pursue discretionary permits required by the Cleanup and Abatement Order and the toxic effect of failing to implement the proposed remedial action plan on water quality.

\$133,000 In Liability Imposed Against Santa Margarita Water District for Two Untreated Sewer Spills (Region 9)

In a contested ACL proceeding, the Region 9 Board recently ordered the Santa Margarita Water District to pay the staff's recommended \$133,000 in liability for two untreated sewer spills to waters of the State. The discharger contested the Board's jurisdiction to seek civil liability on the ground that the spills did not reach waters of the State. It further argued that, even if there was jurisdiction, the proposed penalty was too high because there was no demonstrable harm to waters of the State. The assigned OE attorney assisted staff with preparing evidence in support of the jurisdictional issue, and was able to effectively cross-examine the dischargers' expert at the hearing. Two Board members stated during deliberations that they did not find the dischargers' expert to be credible. The assigned OE attorney was also able to assist staff with developing

evidence that the sewer spills reached endangered Arroyo Toad habitat and likely impacted the Toads.

Staff and the assigned OE attorney were able to anticipate the dischargers' defenses and develop the key evidence noted after a prehearing settlement conference with the discharger. The evidence was not included in the original complaint or technical report, but was submitted as part of the Prosecution Team's reply to the dischargers' brief.

The prehearing settlement conference for ACLCs is a concept being developed and promoted in appropriate circumstances by OE.

\$119,950 in Administrative Civil Liability Imposed Against The City of San Marcos For Violations of 13267 Order (Region 9)

Counsel for the Office of Enforcement represented the San Diego Regional Water Board (San Diego Water Board) enforcement staff in an evidentiary hearing following issuance of an Administrative Civil Liability (ACL) Complaint to the City of San Marcos for violations of a 13267 Investigative Order. The ACL Complaint proposed \$59,975 in liability. Following the close of the hearing and deliberations, the San Diego Water Board adopted Administrative Civil Liability Order No. R9-2008-0155, doubling the liability proposed in the ACL Complaint, and imposing \$119,950 in liability. The case is significant because the San Diego Water Board doubled the proposed penalty and imposed significant liability for violation of an Investigative Order.

The San Diego Water Board had issued the 13267 Investigative Order in response to a discharge of liquid waste from the Bradley Park Landfill, which is owned by the City of San Marcos. The Investigative Order required the City to submit a Report of Waste Discharge. The City's Report of Waste Discharge was inadequate and did not meet all of the requirements of the Investigative Order.

Time Schedule Order No. R6V-2009-0016 Issued to the Department of Fish and Game, Hot Creek Hatchery, Mammoth Lakes (Region 6)

On May 11, 2009, the Lahontan Regional Water Quality Control Board (Regional Water Board) issued Time Schedule Order (TSO) No. R6V-2009-0016 to the California Department of Fish and Game (Discharger) to develop and implement compliance plan for the Hot Creek Hatchery (Facility). Based on the data provided in the Discharger's self-monitoring reports, the wastewater discharged from the Facility was in chronic violation of its effluent limitations for flow and nitrate + nitrite as Nitrogen. These effluent limitation violations are subject to mandatory minimum penalties pursuant to Water Code section 13385(h) and (i). These violations will be addressed in a forthcoming enforcement action. Beginning on May 11, 2009 the date the TSO was issued, so long as the Discharger is in compliance with the TSO, effluent limitation violations that would be subject to MMPs will be exempted per Water Code section 13385(j)(3).

In response to these chronic violations, the Regional Water Board prepared a draft TSO pursuant to Water Code section 13300. The TSO provides a schedule for the Discharger to develop, submit, and implement methods of compliance that may include pollution prevention activities and constructing new treatment facilities. The TSO provides interim effluent limitations for flow and nitrite + nitrate as Nitrogen. Additionally,

the TSO sets up a comprehensive sampling and monitoring plan at multiple sampling and monitoring points throughout the facility.

The most interesting issue with this particular case is the nature of the facility since it is a fish hatchery and not a traditional POTW. The influent into the hatchery is fed by four springs. The flow rates of all the springs vary due to the naturally occurring hydrogeologic conditions.

Cleanup and Abatement Order against William and Lori Moritz (R9-2008-0152) for Unauthorized Discharge and Fill of Unnamed, Ephemeral Stream (Region 9)

Senior Enforcement Counsel from the Office of Enforcement represented the San Diego Regional Board enforcement staff in a contested hearing which resulted in the issuance of a cleanup and abatement order (CAO). The CAO required the Respondents to remediate an unauthorized discharge of waste to and the construction of structures affecting an ephemeral stream which was a tributary to Poway Creek, and to take other removal and remedial actions related to the illegal discharge.

The Order stated that Respondents discharged sand, clay or other earthen materials into the unnamed, ephemeral stream.

Multiple Cease and Desist Orders for Residents of Spalding Tract, Eagle Lake (Region 6)

Office of Enforcement counsel represented the Lahontan Regional Board Prosecution Team in a hearing before a panel of Lahontan Regional Board members on September 15, 2009 regarding proposed Cease and Desist Orders for approximately 80 property owners in the Spalding Tract subdivision at Eagle Lake.

The property owners had been identified by the Prosecution Team as having an on-site wastewater disposal system, which, at a minimum, threatened to violate a Regional Board Basin Plan Prohibition prohibiting the discharge of waste from the Spalding Tract subdivision with other than a zero discharge of nutrients to any surface waters or ground waters in the Eagle Lake Basin. The proposed Cease and Desist Orders required the property owners to connect to the Spalding Community Services District community wastewater system or abandon their on-site wastewater disposal system, by December 31, 2009. Following the hearing, the Hearing panel recommended that the full board adopt the Cease and Desist Orders as proposed by the Prosecution Team.

On October 14, 2009, the full board unanimously voted to adopt the Cease and Desist Orders.

WQCC, October 20, 2009